

REMARKS

In the Office Action, claims 25, 39-48 and 50 were rejected under 35 U.S.C. §102 and claim 49 was rejected under 35 U.S.C. §103. More specifically, claims 25, 39-48 and 50 have been rejected as allegedly anticipated by U.S. Patent No. 4,803,364 to Aiki et al. ("Aiki") and claim 49 has been rejected as allegedly obvious in view of Aiki. In response to the Office Action and in accordance with the telephonic interview courteously granted on October 11, 2005, claims 25 and 50 have been amended herein. This Amendment is submitted with a Request for Continued Examination ("RCE"). A check in the amount of \$790.00 is submitted herewith to cover the cost of the RCE. Please charge Deposit Account No. 02-1818 for any insufficiency or credit. Applicants believe that the obviousness rejections are improper or have been overcome in view of the amendments and for at least the reasons set forth below.

As previously provided, independent claims 25 and 50 have been amended. As amended, claims 25 and 50 recite, in part, an optical module having a package and a plurality of positioning structures each comprising walls, wherein at least one of the positioning structures is an integral part of the package. Support for these amendments can be found in the specification at page 5, lines 3-7, for example. The remaining pending claims depend from claim 25 either directly or indirectly and thus as a matter of law incorporate the limitations of claim 25.

Applicants believe that the claimed invention is distinguishable from the cited art for a number of reasons. At the outset, Aiki at a minimum fails to disclose or suggest a package having a plurality of positioning structures each containing walls, where at least one positioning structure is an integral part of the package. On the contrary, Aiki discloses a package 1 (Fig. 3) onto which is fixedly attached a base plate 9 (Fig. 3), onto the base plate is attached a Peltier element 10 (Fig. 3) including upper and lower electrode plates 27 (Fig. 3). Finally, mounted to the Peltier element 10 is the subcarrier 11 (Fig. 5). Therefore, the package 1 of Aiki is a simple hollow chamber that does not include at least one integrally formed positioning structure, as required by the claimed invention. Also, Aiki does not appear to disclose a plurality of positioning structures, each structure containing walls. Moreover, Aiki does not appear to disclose an optical module having first and second optical fibers. Indeed, Aiki only discloses a single optical fiber 16 (Fig. 2).

According to the optical module of the claimed invention, the positioning of the optical fibers and the optical elements when assembling the optical module is performed by the passive method, and therefore unlike the active method, the mounts which the optical elements are mounted on need only be provided so as to touch predetermine points (such as the claimed positioning structures) on the package, and consequently positioning and alignment between the light receiving and light emitting elements is extremely simple. See, specification, pg. 5, lines 8-18. Moreover, the manufacturing cost of the optical module can be reduced. Therefore, Applicants believe the cited art fails to anticipate or render obvious the claimed invention based on at least these reasons.

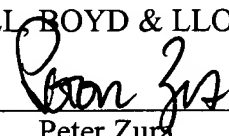
Accordingly, Applicants respectfully request that the anticipation and obviousness rejections be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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